

August 8, 2005
Seven o'clock P.M.
North Little Rock School District Board Room
2700 Poplar
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, August 8, 2005, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: MARTIN GIPSON, NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, GARY BERRY, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (8/0). City Clerk DIANE WHITBEY and City Attorney PAUL SUSKIE were also present.

The invocation was given by Alderman Gipson, followed by the pledge of allegiance to the flag which was also led by Alderman Gipson.

On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, the minutes from a regular council meeting held on July 25, 2005, were approved, accepted and filed as prepared by the City Clerk (8/0).

A blanket motion to accept and file communications #1 through #5 was made by Alderman Hight and seconded by Alderman Witcher.

On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, communication #1 was accepted and filed (8/0).

1. Ronnie Colvin, Vice President and General Manager, Comcast re: Channel Line-up Change effective August 16, 2005, move Disney Channel to Value Pak Service tier and move ESPN Classic to Digital Sports tier.

On the motion of Alderman Berry and seconded by Alderman Hight, and by consent of all members present, communication #2 was accepted and file (8/0).

2. Sharon Tedford, Mayor's Office memorandum re: change of manager for Private Club, Aydelotte's, 5524 JFK Boulevard by Anthony Butler.

On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, communication #3 was read by title only, accepted and filed (8/0).

3. Jim Harvey, CEO Central Arkansas Water re: proposed Adjustment to Water Rate Schedule and Public Hearing August 23, 2005 at Central Arkansas Water Utility Building, 221 East Capitol Avenue, Little Rock, Arkansas.

On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, communication #4 was read by title only, accepted and filed (8/0).

4. Chief Danny Bradley, North Little Rock Police Department letter to Mayor and City Council re: Incident Reports for area of 7711 Crystal Hill Road from January 1, 2003 through April 25, 2005.

Alderman Gipson distributed a communication to the Mayor and City Council and after discussion asked that it be accepted and filed. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the rules were waived and the memorandum was accepted and filed as communication #6 (8/0).

6. Alderman Gipson memorandum to Mayor and City Council re: I-40 Entrance Ramps.

Alderman Gipson advised signs along the Interstate in North Little Rock direct trucks to use the right lane making it difficult for traffic to merge onto the roadway. Police are unable to enforce traffic in the areas as there is no place to pull over. Alderman Gipson asked that the highway department remove the right lane only signs for trucks, put up caution signs and direct traffic to the left-hand lane. Mayor Hays said the East bound problem had eased, however the West bound area continues to be a problem. Mayor Hays will contact the Arkansas Highway Transportation Department.

On the motion of Alderwoman Robinson and seconded by Alderman Bryant, and by consent of all members present, communication #5 was read by title only, accepted and filed (8/0).

OLD/UNFINISHED BUSINESS

R-05-96 (RESOLUTION NO. 6799 - MAYOR HAYS)

A RESOLUTION ACCEPTING A SETTLEMENT OFFER IN THE CASE OF NORTH LITTLE ROCK VS. THE SOUTHERN, INC., was read. Mayor Hays advised after reviewing the case and based on an opinion from the City Attorney, the most rapid way to have The Body Shop cease operations would be to accept this offer and keep in mind the property could be a bar type business in the future due to current zoning of the property. A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. On the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the resolution was amended as follows: *attach AFFIDAVIT FROM BUEL WORTHAM, OWNER OF PROPERTY LOCATED AT 7711 KAMPGROUND WAY and agreeing not to lease the property to any sexually oriented business subsequent to November 7, 2007* (8/0). On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted as amended(8/0). Mayor Hays acknowledged Attorney Gus Allen who was present.

O-05-48

AN ORDINANCE ALLOWING A SPECIAL USE FOR USED AUTO SALES IN AN I-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 8417 HIGHWAY 70 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held at the request of the sponsor, Alderman Thomas.

O-05-50

AN ORDINANCE AMENDING ARTICLE V. (PLUMBING AND GAS) OF THE NORTH LITTLE ROCK MUNICIPAL CODE BY ADDING SECTION 18-373; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on July 25, 2005, was called and held at the request of the sponsor, Mayor Hays.

O-05-51

AN ORDINANCE VACATING AND ABANDONING A PORTION OF SUMMERS AVENUE IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on July 25, 2005, was called and held at the request of the sponsor, Mayor Hays.

O-05-54

AN ORDINANCE ALLOWING A SPECIAL USE FOR STORAGE OF HARDWOOD LUMBER IN AN R-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF CLOVER STREET AND GRIBBLE ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on July 25, 2005, was called and held at the request of the sponsor, Alderman Thomas.

NEW BUSINESS

R-05-100 (RESOLUTION NO. 6800 - MAYOR HAYS)

A RESOLUTION APPROVING NORTH LITTLE ROCK SUBDIVISION CASE SPR-O-1847-05; ACKNOWLEDGING APPLICATION OF THE FEDERAL TELECOMMUNICATIONS ACT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Gipson. Pulaski County Quorum Court District 13 member Phil Stowers represents the area in question which includes the Northwest corner of the county in the vicinity of Batesville Pike and Jacksonville Cato Road. The North Little Rock Planning Commission voted against placement of the cell tower (4/1) at this location. Mr. Stowers does understand the legal and financial risks facing the city, however, he asked the council to work with Verizon to find a more suitable location for the tower and discussed harmful radiation from the tower as well as decreasing property values in the area. Other concerns included the tower being a “lightening rod” to the area. Mr. John Herring lives at #16 Bauer addressed the council at the last meeting and restated his opposition to locating the tower in his neighborhood and expressed concerns regarding safety and upkeep. Mayor Hays recommended the council vote on this matter. Alderman Gipson said it appears the council has no authority in the area regarding this matter and is concerned about future legal issues. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-101 (RESOLUTION NO. 6801 - MAYOR HAYS)

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF EDDIE POWELL TO THE BOARD OF COMMISSIONERS OF CENTRAL ARKANSAS WATER; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-102 (RESOLUTION NO. 6802 - MAYOR HAYS)

A RESOLUTION APPOINTING CLARK McGLOTHIN TO THE UNEXPIRED TERM OF MIKE SMITH ON THE NORTH LITTLE ROCK SEWER COMMITTEE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderman Berry. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the resolution was amended as follows:: *attached Personal Information Sheet* (8/0). On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-05-103 (RESOLUTION NO. 6803 - MAYOR HAYS)

A RESOLUTION EXPRESSING SUPPORT FOR THE CENTRAL ARKANSAS CARE FOR THE HOMELESS (“CATCH”) TEN YEAR PLAN TO END CHRONIC HOMELESSNESS IN CENTRAL ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-104 (RESOLUTION NO. 6804 - MAYOR HAYS)

A RESOLUTION APPROPRIATING FUNDS FOR RIVER RAIL PHASE 1 CLOSEOUT, STREETCAR FLEET EXPANSION AND PHASE 2 CONSTRUCTION; AND FOR OTHER PURPOSES, was read. Mayor Hays advised an amendment would appropriate the amount currently due, \$61,960.00. On the motion of Alderman Berry and seconded by Alderman Bryant, and by consent of all members present, the resolution was amended as follows:: *\$61,960.00 from General Fund, (see substituted copy)* (8/0). On the motion of Alderman Berry and seconded by Alderwoman Robinson, the resolution was unanimously adopted as amended (8/0).

R-05-105 (RESOLUTION NO. 6805 - MAYOR HAYS)

A RESOLUTION SUPPORTING THE GOALS AND OBJECTIVES OF THE RIVER OF TRADE CORRIDOR COALITION FOR THE PROTECTION, EXPANSION AND ENHANCEMENT OF THE HISTORIC AND TRADITIONAL NAFTA TRADE CORRIDOR; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-106

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT FOR MUTUAL AID IN FIRE PROTECTION AND HAZARDOUS MATERIALS INCIDENT RESPONSE WITH THE CITY OF MAUMELLE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderman Bryant. Assistant Fire Chief Joe Mauldin advised the city has a verbal agreement with surrounding

communities, but they now have to be in written form. The remaining areas will be presented at the next council meeting. Alderman Witcher asked how many times the City of Maumelle has assisted North Little Rock and how often our city has assisted the City of Maumelle. The legislation was held at the request of the sponsor, Mayor Hays.

R-05-107 (RESOLUTION NO. 6806 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE DEPARTMENT OF THE NAVY FOR THE DONATION OF THE HARBOR TUG EX-HOGA; AND FOR OTHER PURPOSES, was read.

Mayor Hays advised previous legislation authorized him acquiring the vessel on behalf of the city. On the motion of Alderman Thomas and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted (8/0). Alderman Hight advised a large tree had been removed from the mooring area for the vessels. The tree had to be removed to realign the gangplank. Alderman Hight asked about the tree on the East side of the parking lot. Alderman Bryant expressed concern about trees in the area of the Razorback and Hoga.

R-05-108 (RESOLUTION NO. 6807 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT TO SELL REAL ESTATE FOR HIGHWAY PURPOSES; AND FOR OTHER PURPOSES, was read. Mayor Hays advised this is the old fire station location which the State Highway Department needs. On the motion of Alderman Thomas and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-109 (RESOLUTION NO. 6808 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A GROUND LEASE AGREEMENT WITH GLOBAL SIGNAL, INC. FOR TELECOMMUNICATIONS EQUIPMENT LOCATED AT 3415 MAGNOLIA STREET; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-110 (RESOLUTION NO. 6809 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR ENGINEERING SERVICES WITH MARLAR ENGINEERING CO., INC. TO PROVIDE CONSTRUCTION PLANS, SPECIFICATIONS AND CONSTRUCTION OBSERVATION FOR THE FREEMAN CIRCLE DRAINAGE IMPROVEMENTS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-111 (RESOLUTION NO. 6810 - MAYOR HAYS)

A RESOLUTION ACCEPTING THE LOW BID OF CO-BAR CONSTRUCTION FOR MISSION ROAD DRAINAGE IMPROVEMENTS IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-112 (RESOLUTION NO. 6811 - MAYOR HAYS)

A RESOLUTION ALLOWING A 160 SQUARE FOOT SIGN TO BE ERECTED AT 4100 LANDERS ROAD AND REMAIN AS A NONCONFORMING SIGN; AND FOR OTHER PURPOSES, was read. Mayor Hays advised the sign was built prior to legislation regulating the current sign size and “grandfather” it in. On the motion of Alderman Hight and seconded by Alderman Thomas and by consent of all members present, the resolution was unanimously adopted (8/0).

Alderman Thomas asked to recall O-05-48

(ORDINANCE NO. 7731 - ALDERMAN THOMAS)

AN ORDINANCE ALLOWING A SPECIAL USE FOR USED AUTO SALES IN AN I-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 8417 HIGHWAY 70 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Alderman Thomas advised the applicant Mr. Mark Pruitt was not able to attend the meeting as his sister had surgery. On the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Thomas and seconded by Alderwoman Robinson, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. Alderman Gipson asked about the general condition of the property and wet land area. Mr. Robert Voyles advised the drainage problem will be addressed in the future. On the motion of Alderman Thomas and seconded by Alderman Witcher, and the roll having been called and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-05-55 (ORDINANCE NO. 7732 - ALDERMAN BRYANT)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 1400 LOCUST STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-3 TO C-3 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND GRANTING A CONDITIONAL USE TO ALLOW OUTDOOR STORAGE OF STONE BY A RETAIL BUSINESS OF CONSTRUCTION MATERIALS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-05-56 (ORDINANCE NO. 7733 - ALDERMAN THOMAS)

AN ORDINANCE GRANTING A CONDITIONAL USE FOR A MOBILE BARBEQUE STAND IN AN I-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 11522 MAYBELLINE ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the

ordinance was placed on its second reading (8/0). On the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

PUBLIC COMMENTS-----

Alderman Thomas advised there had been an increase in burglaries in the North Shore Addition along Saunders Drive and asked the Police Department to increase its presence in the area. Alderman Gipson said Community Block Grant meetings will commence next week. Alderman Gipson said the public needs to be reminded of what the Sanitation Department will pick up and when. Mayor Hays said information could be included on the city website and in the next Neighborhood News. Code Enforcement can also be called at 791-8581. Alderman Berry observed an overflowing Waste Management container and suggested people put something on top of the container. Mr. Suskie introduced Amy Fields, new Assistant City Attorney. She worked for the Little Rock City Attorney and is a resident of North Little Rock. Mayor Hays reminded everyone to vote tomorrow on the Special Election for the penny sales and use tax to improve the Hays Center and the remainder being used to build a baseball stadium. Mayor Hays thanked everyone who voted early. Mayor Hays invited people to a Watch Party at the North Little Rock Chamber of Commerce on August 9, 2005. Mr. James Ard said some people are against the sales tax because the Mayor is for it, some are against it because they want to see Police and Fire Fighters get a raise. Mr. Ard is against taxes, but will vote for this one. Mr. Ard complained about Yard Sale signs taped onto utility poles and the hazard they cause. Mr. Ard suggested some sort of a sign for people to use. Mr. Charley Baxter, Director of the Hays Center advised Mr. Michael Levertt, the Secretary of Health and Human Services speak at the center. There will be a program regarding Prescription Drug Benefits on August 10, 2005, at 10:00 a.m. and is open to the public. Mr. Bobby Taylor said the Morgan Portable Building is still there and nothing has been done in three months, except for Code Enforcement cutting the grass. Alderman Gipson said the concrete blocks are in the same location as three weeks ago. Alderwoman Robinson asked Mr. Voyles if a permit on School Street was pulled. Mr. Voyles said there hasn't been any activity at the location in 8 months. Austin Lewis is with the Dark Hollow CDC. He wanted to thank the Neighborhood Services Department, Police Department, Parks and Recreation, Housing Authority and Code Enforcement for their assistance. Mayor Hays advised the Unified Coalition of Neighborhood Associations Picnic is Saturday, August 13, 2005, from 11:00 a.m. until 1:00 p.m. at the North Shore River Walk.

There being no further business to come before the Council, and on the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the meeting adjourned at 7:58 p.m. (8/0), until the next regular meeting to be held on Monday, August 22, 2005, at seven o'clock p.m. in the North Little Rock School Administration Building Board Room, located at 2700 Poplar, in the Administration Office Board Room, North Little Rock, Arkansas.

APPROVED:
MAYOR PATRICK HENRY HAYS

ATTEST:
DIANE WHITBEY, CITY CLERK